

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GERRY PERSINGER,)	CASE NO. 3:20 CV 489
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
WARDEN LYNEAL WAINWRIGHT,)	
)	
Respondent.)	

Pro se Petitioner Gerry Persinger, an inmate in state custody at the Marion Correctional Institution in Marion, Ohio, brings this action for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

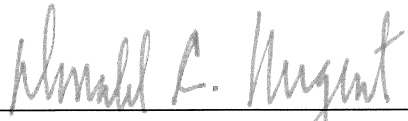
Petitioner challenges the judgment of conviction entered by the Morrow County Court of Common Pleas. Morrow County is within Ohio's southern federal judicial district. The Marion Correctional Institution is located within Ohio's northern federal judicial district. Because Petitioner challenges the conviction of a state court within the Southern District of Ohio, but is in custody in the Northern District of Ohio, both districts have concurrent jurisdiction over the action. 28 U.S.C. § 2241(d).

This Court has the discretion to transfer this action to the Southern District for hearing and determination. *Id.* A transfer to the Southern District is appropriate in this case, because it is the more convenient forum and the evidence is more readily accessible in the district where Petitioner

was convicted. *See, Bell v. Watkins*, 692 F.2d 999, 1013 (5th Cir. 1982), *cert. denied*, 464 U.S. 843 (1983); *see also, Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 497 n.13 (1973).

Accordingly, this action is hereby TRANSFERRED to the United States District Court for the Southern District of Ohio (Columbus).

IT IS SO ORDERED.



DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

Dated: March 27, 2020